

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DEANTHONY TREADWELL,

Plaintiff,

v.

WARDEN CEDRIC TAYLOR, *et al.*,

Defendants.

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Case No. 5:18-cv-00191-MTT-TQL

ORDER

Plaintiff Deanthony Treadwell, currently confined in the Georgia Diagnostic and Classification Prison, filed a document which was docketed as a civil rights complaint brought under 42 U.S.C. § 1983. Compl., ECF No. 1. Plaintiff's filing largely consists of a hand-copy of a complaint Plaintiff originally filed in the Northern District of Georgia in October 2017, which was docketed as *Treadwell v. Allen*, 1:17-cv-4571 (N.D. Ga.)¹ and transferred to the Southern District of Georgia where it became the originating complaint in *Treadwell v. Allen*, 6:17-cv-00151-JRH-RSB (S.D. Ga.). In a note attached to his filing, Plaintiff explains that he attempted to file an amended complaint in case 6:17-cv-151, but the Northern District of Georgia docketed his amended complaint as a new civil rights complaint in *Treadwell v. Sellers*, 1:18-cv-1741-CAP (N.D. Ga.). The Northern District

¹A side by side comparison of the complaints reveals several small differences. The statement of Plaintiff's claim is nearly word-for-word identical, and both complaints are dated October 10, 2017.

subsequently transferred the complaint to this district, and it has now been docketed as the originating complaint in *Treadwell v. Sellers*, 5:18-cv-00154-TES-CHW (M.D. Ga.). Thus, the originating complaint in case 5:18-cv-154, Plaintiff argues, should have been docketed as an amended complaint in case 6:17-cv-151, the first case Plaintiff filed.

The purpose of the instant pleading thus appears to be to clarify the nature of Plaintiff's complaint in case 5:18-cv-154 and to request that this Court transfer his case back to the Northern District of Georgia so that all his pending lawsuits may be consolidated into case 6:17-cv-151. Plaintiff may also seek to have this pleading construed as an Amended Complaint. The Clerk of Court is **DIRECTED** to docket Plaintiff's pleading (ECF No. 1) and a copy of this Order in *Treadwell v. Sellers*, 5:18-cv-00154-TES-CHW and **ADMINISTRATIVELY CLOSE** this action.²

SO ORDERED, this 22nd day of June, 2018.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

²If the Court construed his pleading as a new civil rights complaint, it would be subject to dismissal as duplicative of his complaint in 6:17-cv-151. *I. A. Durbin, Inc. v. Jefferson Nat'l Bank*, 793 F.2d 1541, 1551 (11th Cir. 1986) (“[A] suit is duplicative of another suit if the parties, issues, and available relief do not significantly differ between the two actions.”).